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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,327	06/25/2003	David Darden Chambliss	IBMS.005PA(0524)	2848

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EXAMINER

ANYA, CHARLES E

ART UNIT	PAPER NUMBER
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2194

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/603,327	Applicant(s) CHAMBLISS ET AL.	
	Examiner Charles E. Anya	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 31-54 are pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 31-48 and 51-53 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pub. No. 2003/0037178 A1 to Vessey et al.**

3. As to claim 31, Vessey teaches a program storage device readable by a computer, the program storage device tangibly embodying one or more programs of instructions executable by the computer to perform a method for providing a two-step communication scheme, the method comprising: establishing a portion of memory configured to provide asynchronous, connectionless inter-process communication between a first process and a second processes (“...shared memory...memory region...” page 2 paragraphs 0024-0028, “...shared memory window...” Main Memory 160 page 5 paragraph 0109, page 6 paragraphs 0121/0130, page 17 paragraphs

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0236/0237, page 18 paragraph 0240, page 20 paragraph 0274, figures 22/23 Shared Memory 160, figure 34 Shared Memory 3460); granting exclusive access to a first process to the portion of memory configured to provide asynchronous, connectionless (“...without...” page 2 paragraph 0024) inter-process communication between the first process and the second process/while having been granted to the exclusive access to the portion of memory configured to provide asynchronous, connectionless inter-process communication, accessing the portion of memory configured to provide asynchronous, connectionless inter-process communication by the first process to modify the contents thereof to provide a message for processing by the second process (“...access right...” page 7 paragraph 0131, “...copies part...” page 17 paragraph 0237, “...lock mechanism...acquire lock...” page 19 paragraphs 0289-0292, “...updating information...” page 23 paragraph 0319, “...lock...” page 22 paragraph 0307); and releasing exclusive access by the first process to the portion of memory configured to provide asynchronous, connectionless inter-process communication to prevent inter-process communication between the first and second process from becoming a performance bottleneck by releasing resources of the first process after the first process modifies the contents of the portion of memory (“Deallocate Shared Memory...” page 26 paragraph 0349, page 27 paragraph 0360).

4. As to claim 32, Vessey teaches the program storage device of claim 31 further comprising configuring the memory to provide header having an operation code and a

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parameter region interpreted according to the operation code (figure 20 Control Structure header 1910 page 20 paragraph 0278, page 22 paragraph 0302-0304).

5. As to claim 33, Vessey teaches the program storage device of claim 31, wherein the providing the message into the portion of memory by the first process further comprises initiating a remote procedure call (“...procedural parameters...” page 21 paragraph 0278).

6. As to claim 34, Vessey teaches the program storage device of claim 31 further comprising granting exclusive access to the second process to the portion of memory configured to provide asynchronous, connectionless inter-process communication, while having been granted to the exclusive access to the portion of memory, accessing the portion of memory by the second process to modify the contents thereof to access the message provided in the portion of memory by the first process (“...lock mechanism...acquire lock...” page 19 paragraphs 0289-0292, “...updating information...” page 23 paragraph 0319, “...lock...” page 22 paragraph 0307) and releasing exclusive access by the second process to the portion of memory page (“Deallocate Shared Memory...” page 26 paragraph 0349, page 27 paragraph 0360).

7. As to claim 35, Vessey teaches the program storage device of claim 34 further comprising: establishing exclusive access to the portion of memory by the second process/accessing the portion of memory by the second process to provide a result

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message in response to the message placed in the portion of memory by the first process (“...lock mechanism...acquire lock...” page 19 paragraphs 0289-0292, “...lock...” page 22 paragraph 0307); and providing by the second process a notification to the first process to check the portion of memory (“...inter-processor interrupt mechanism...” page 20 paragraph 0274, “...to alert...” page 23 paragraph 0322, page 24 paragraphs 0328/0329, “Send Signal...” page 26 paragraph 0349).

8. As to claim 36, Vessey teaches the program storage device of claim 31 further comprising providing by the first process a notification to the second process to check the portion of memory (“OS1 copies the offset pointer...” page 19 paragraph 0256, “...inter-processor interrupt mechanism...” page 20 paragraph 0274, “...to alert...” page 23 paragraph 0322, page 24 paragraphs 0328/0329, “Send Signal...” page 26 paragraphs 0349/0355).

9. As to claim 37, Vessey teaches a server comprising a memory (figures 22-24), wherein a portion of the memory is configured to provide two-step, asynchronous, connectionless inter-process communication between a first process and a second process, the portion of memory being configured as memory accessible by the first and second processes (“...shared memory...memory region...” page 2 paragraphs 0024-0028, “...shared memory window...” Main Memory 160 page 5 paragraph 0109, page 6 paragraphs 0121/0130, page 17 paragraphs 0236/0237, page 18 paragraph 0240, page 20 paragraph 0274, figures 22/23 Shared Memory 160, figure 34 Shared Memory 3460), wherein access to the portion of memory being granted exclusively to the first

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process for modification of contents of the portion of memory to prevent inter-process communication between the first and second process (“... “exclusive window”...” page 6 paragraphs 0123/0128/0129, “...lock mechanism...acquire lock...” page 19 paragraphs 0289-0292, “...lock...” page 22 paragraph 0307) from becoming a performance bottleneck by releasing resources of the first process after the first process modifies the contents of the portion of memory (“Deallocate Shared Memory...” page 26 paragraph 0349, page 27 paragraph 0360).

10. As to claims 38 and 42, see the rejection of claim 32 above.

11. As to claims 39 and 45, see the rejection of claim 33 above.

12. As to claim 40, Vessey teaches the server of claim 37, wherein the second process is granted exclusive access to the portion of memory configured to provide asynchronous, connectionless inter-process communication, accesses the portion of memory to modify the contents thereof to access the message provided in the portion of memory by the first process (“...lock mechanism...” page 19 paragraph 0289, “...updating information...” page 23 paragraph 0319, “...lock...” page 22 paragraph 0307) and releases exclusive access by the second process to the portion of memory (“Deallocate Shared Memory...” page 26 paragraph 0349, page 27 paragraph 0360).

13. As to claims 41, see the rejection of claims 35 and 36 above.

14. As to claims 42 and 48, see the rejection of claim 36 above.

15. As to claim 43, Vessey teaches a system (figures 22-24), comprising: a first process (OS1 2206a/APP1 2208a); a second process (OS1 2206n/APP1 2208n); and memory configured to provide asynchronous, inter-process communication between the first process and the second process, wherein the memory provides a portion of memory configured to be accessible by the first and second processes (“...shared memory...memory region...” page 2 paragraphs 0024-0028, “...shared memory window...” Main Memory 160 page 5 paragraph 0109, page 6 paragraphs 0121/0130, page 17 paragraphs 0236/0237, page 18 paragraph 0240, page 20 paragraph 0274, figures 22/23 Shared Memory 160, figure 34 Shared Memory 3460), wherein access to the portion of memory is granted exclusively to the first process for modification of contents of the portion of memory to prevent inter-process communication between the first and second process (“...lock mechanism...acquire lock...” page 21 paragraphs 0289-0292, “...updating information...” page 23 paragraph 0319, “...lock...” page 22 paragraph 0307) from becoming a performance bottleneck by releasing resources of the first process after the first process modifies the contents of the portion of memory (“Deallocate Shared Memory...” page 26 paragraph 0349, page 27 paragraph 0360).

16. As to claim 46, see rejection of claim 34 above.

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17. As to claim 47, Vessey teaches the system of claim 46, wherein the second process is granted exclusive access to the portion of memory, accesses the portion of memory to provide a result message in response to the message placed in the portion of memory by the first process (“...lock mechanism...acquire lock...” page 21 paragraphs 0289-0292, “...updating information...” page 23 paragraph 0319, “...lock...” page 22 paragraph 0307) and provides a notification to the first process to check the portion of memory (“...inter-processor interrupt mechanism...” page 20 paragraph 0274, “...to alert...” page 23 paragraph 0322, page 24 paragraphs 0328/0329, “Send Signal...” page 26 paragraph 0349).

18. As to claims 51-53, see the rejection of claim 1 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. **Claims 49,50 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,804,714 B1 to Tummalapalli in view of U.S. Pat. No. 2003/0037178 A1 to Vessey et al.**

20. As to claim 49, Tummalapalli teaches a service level agreement (SLA) server, comprising: a plurality of processes (figure 2 Col. 5 Ln. 25 – 67), the plurality of processes comprising a database manager for managing performance data, an application server for collecting performance data (“...concurrent processing server...” Col. 5 Ln. 45 – 65, Col. 7 Ln. 1 – 6) and providing a client interface for establishing service level agreements (User Layer tool 236/Service Reports tool 234 Col. 8 Ln. 45 – 53), a SLA core for analyzing data and controlling actions based on service level agreements and policy (“...concurrent processing managers...” Col. 5 Ln. 45 – 67, Col. 6 Ln. 66 – 67, Col. 7 Ln. 1 – 20) and a performance monitor daemon for communicating with remote I/O service gateways to collect data and send throttling requests (“Database performance monitor...” Col. 6 Ln. 42 – 59);

Tummalapalli is silent with reference to memory configured to provide asynchronous, inter-process communication between the processes, wherein the memory provides a portion of memory configured to be accessible by the processes, wherein access to the portion of memory is granted exclusively to a first of the processes for modification of contents of the portion of memory to prevent inter-process communication between the process from becoming a performance bottleneck by releasing resources of the first of the processes after the first of the processes modifies the contents of the portion of memory.

Vessey teaches a memory configured to provide asynchronous, inter-process communication between the processes, wherein the memory provides a portion of

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memory configured to be accessible by the processes (“...shared memory...memory region...” page 2 paragraphs 0024-0028; “...shared memory window...” Main Memory 160 page 5 paragraph 0109, page 6 paragraphs 0121/0130, page 17 paragraphs 0236/0237, page 18 paragraph 0240, page 20 paragraph 0274, figures 22/23 Shared Memory 160, figure 34 Shared Memory 3460), wherein access to the portion of memory is granted exclusively to a first of the processes for modification of contents of the portion of memory to prevent inter-process communication between the process (“...access right...” page 7 paragraph 0131, “...copies part...” page 17 paragraph 0237, “...lock mechanism...acquire lock...” page 19 paragraphs 0289-0292, “...updating information...” page 23 paragraph 0319, “...lock...” page 22 paragraph 0307) from becoming a performance bottleneck by releasing resources of the first of the processes after the first of the processes modifies the contents of the portion of memory (“Deallocate Shared Memory...” page 26 paragraph 0349, page 27 paragraph 0360).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Vessey and Tummalapalli because the teaching of Vessey would improve the system of Tummalapalli by providing a locking mechanism for locking shared memory in order to facilitate greater throughput between partitions, since contention for system lock is eliminated (Vessey page 22 paragraph 0307).

21. As to claims 50 and 54, see the rejection of claim 49 above.

Response to Arguments

Applicant's arguments with respect to claims 31-54 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Anya whose telephone number is 571-272-3757. The examiner can normally be reached on 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

cea.


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